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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,969	10/01/2004	Michael Thomas Hauke	PU020085	9986

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2422

MAIL DATE	DELIVERY MODE
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12/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,969	Applicant(s) HAUKE ET AL.	
	Examiner BRIAN YENKE	Art Unit 2422	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE/Amendment (08/23/10).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-11 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,7-11, 15-17, and 19--20 is/are allowed.
- 6) ☒ Claim(s) 18 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/23/10 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 18 is rejected under 35 U.S.C. 101 because the claim calls for access based upon selling price. The claimed invention is directed to non-statutory subject matter. The selling price of an item is not patentable since the applicant didn't invent what a system/module sells/would sell for (i.e. selling price). The selling price of an item does not fall within one of the four statutory categories of patent eligible subject matter being a process, machine, manufacture or composition of matter.

Claim Rejections - 35 USC § 112

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 refers to access is in accordance with the selling price. As stated previously the selling price of a unit in regards to access is not inventive since compatibility between modules if they are connected will have access based on the module type and input/output characteristics, price being a factor which changes the unit's cost, not the compatibility between devices.

Claim Rejections - 35 USC § 103

5. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Wal et al., US 6,188,381 in view of Gatto et al., US 2006/0026637, Ju et al., US 2002/0008779 and Chang, US 2003/0009771.

In considering claims 21,

a)-b) the claimed storing..is met by processor motherboard (PM) 10 (which include signal processors 1-4 (Fig 1) which communicate with Video Processor Motherboards (20) (Fig 1, col 5, line 66 to col 7, line 31) (i.e. the second module) using the global control bus 40 and the global video bus 30. Van Der Wel discloses the use of a non-volatile memory 338 which is used for program and data storage for embedded startup and execution (col 15, line 49-67), which allows the system to be changed based on the requirements for the application program (col 18, line 12-55).

Regarding the input—output characteristic, although the examiner believes that a system that can reconfigure it's hardware/software settings based upon newly added/disconnected modules, the examiner will nonetheless incorporate Gatto, US 2006/0026637 which discloses that a system may have it's modules/devices connected which can be connected to the analog and/or digital bus (para 008), wherein the selection (switching) the device to the correct buse(s) can be performed.

The examiner will also incorporate the A/V module extension as disclosed by Ju et al., US 2002/0008779, which discloses the conventional features of having a based module which transmits/receives data from function extension modules.

The combination of Van Der Wal and Gatto which discloses the use of a modular system using analog and/or digital components/buses would be motivated by Ju et al., to incorporate the function extension feature as taught by Ju to afford easier control of multiple devices, whether home or away.

Regarding the requiring less than all available functions and remaining ones being non-accessible.

Van Der Wal discloses allowing programming of the hardware as components are added and subtracted (see abstract) for the video processing system for different application.

In addition since the use of A/V devices within a household are typically used by more than one person, the non-accessibility of some characteristics would be obvious to one of ordinary skill in the art, most notably parent-child scenario.

The examiner incorporates Chang, US 2003/0009711, which restricts the functions based upon the location and/or user within a household.

Thus based upon the user/location, only the functions associated with that particular user/location would be available.

The motivation for modifying the Van Der Wal/Gatto and Ju combination would provide the ability to suit many users of a single system.

In considering claim 22,

Van Der Wal does not specifically disclose the components such as field programmable gate array.

Van Der Wal discloses a system which includes a primary motherboard 10 which includes 4 digital signal processor's which control for display a variety of video processor motherboards 20 utilizing the global control bus 40 and the global video bus 30. Thus it would have been obvious to use active and/or passive circuitry in the design of the modular parallel-pipelined vision system, since the designer has to active/passive components which are available off the shelf.

In considering claim 23,

As disclosed by Van Der Wal, only the software/hardware that is required is utilized, thereby inhibiting access to all but said claimed least predetermined one of the processing characteristics.

In considering claim 24,

As stated above the PM 10 determines/detects which VPM's to activate in order to determine which program(s)/hardware/software to control based upon startup and execution.

Allowable Subject Matter

6. Claims 1-2, 7-11, 15-17 and 19-20 are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Jeffrey Harold, can be reached at (571)272-7519.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

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/BRIAN P. YENKE/
Primary Examiner, Art Unit 2622

B.P.Y.
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